

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF NOVEMBER 21, 2008

(Published November 29, 2008, in *Finance and Commerce*)

Council Chamber
350 South 5th Street
Minneapolis, Minnesota
November 21, 2008 - 9:30 a.m.

Council President Johnson in the Chair.

Present - Council Members Hodges, Samuels, Gordon, Hofstede, Ostrow, Schiff, Lilligren, Colvin Roy, Glidden, Remington, Benson, Goodman, President Johnson.

Lilligren moved adoption of the agenda. Seconded.

Adopted upon a voice vote 11/21/2008.

Lilligren moved acceptance of the minutes of the emergency meeting of November 5, 2008 and the regular meeting and the adjourned session of November 7, 2008. Seconded.

Adopted upon a voice vote 11/21/2008.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote 11/21/2008.

PETITIONS AND COMMUNICATIONS

COMMITTEE OF THE WHOLE:

BUDGET AND EVALUATION (273131)

Report from Tom Stinson on Current Economic Conditions.

GRANTS AND SPECIAL PROJECTS (273132)

Open World Delegation from Russia Visit.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273133)

Mpls Housing Replacement Tax Increment Financing District II: Addition of 17 parcels to, & deletion of 17 from, the TIF District II.

COMMUNITY DEVELOPMENT and PS&RS and W&M/Budget (See Rep):

MAYOR (273134)

Neighborhood Stabilization Program (NSP) Application - 2008 Consolidated Plan Amendment #1: NSP funding, for submittal to the U.S. Department of Housing & Urban Development by 12/1/2008.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET:

NEIGHBORHOOD REVITALIZATION PROGRAM (NRP) (273135)
NRP Policy Modification of Phase II Allocation Availability Update.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273136)
Land Sale (38th & Chicago Redevelopment Area Plan): 3749 Chicago Ave S, to Artspace Projects, Inc; approval of Great Street Gap Financing loan.
Confidentiality Agreements: Delegation of contracting authority.
Upper Harbor Terminal Operating Budget for 2009.
Broadway Plaza YWCA Project Great Streets Grant: Grant to Great Neighborhoods Development Corporation.
NEIGHBORHOOD REVITALIZATION PROGRAM (NRP) (273137)
Loring Park NRP Phase II Neighborhood Action Plan.

INTERGOVERNMENTAL RELATIONS:

INTERGOVERNMENTAL RELATIONS (273138)
Draft 2009 Legislative Agenda.
Federal/State/Local Update 2008.

INTERGOVERNMENTAL RELATIONS and WAYS & MEANS/BUDGET (See Rep):

INTERGOVERNMENTAL RELATIONS (273139)
St. Stephen's Human Services, Inc: Extension of contract for homeless outreach services.

PUBLIC SAFETY AND REGULATORY SERVICES:

REGULATORY SERVICES (273140)
2008 Port Security Grant Program: Request to accept funding from Minnesota Homeland Security for Upper Midwest Port-wide Security Plans.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

LICENSES AND CONSUMER SERVICES (273141)
Spyhouse Coffee Shop (2404 Hennepin Av): Grant Sidewalk Cafe License.
Uruba Coffee (417 E Lake St): Grant Rental Hall License, with conditions.
Licenses: Applications.
REGULATORY SERVICES (273142)
Emergency Preparedness: Execute Intergovernmental Agreement with Minnesota Department of Public Safety for deployment of City resources to fill an Emergency Management Assistance Compact request in a disaster like situation.
Animal Care & Control Advisory Board: Establish Board.

PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):

POLICE DEPARTMENT (273143)
2008 Edward Byrne Memorial Justice Assistance Grant: Submit grant application to United States Department of Justice Assistance for Police Department overtime expenses and equipment purchases.
REGULATORY SERVICES (273144)
Housing: Ordinance providing for a reduction of the conversion rental inspection fee for property owners who are renting their properties for a relatively short, defined amount of time with the intent to reoccupy the property as an owner occupant.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (273146)

Minnesota's Multi-Modal Opportunity: Presentation by Hennepin County Commissioner Peter McLaughlin.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (273147)

Special Service Districts: Budget cost estimates and lists of service charges; Comments.

Hot-Mix Asphalt Plant (1901 E 26th St): Request for Sale (RSF).

Public Works Department Various Special Assessments: Levy of 2008 assessments.

Joint Use Agreement: Joint use of tunnel access shaft on Portland & Washington Aves S with Metropolitan Council.

Source Water Protection Plan: Part II.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (273148)

Collection of Garbage, Recyclables, Problem Materials, and Yard Wastes: Contract with Minneapolis Refuse, Inc. (MRI).

Bid: OP 7033, Columbia Building Services, for sidewalk snow removal and maintenance for the Central Ave Special Service District.

WAYS AND MEANS BUDGET:

BUSINESS INFORMATION SERVICES (BIS) (273149)

Departmental Breakdown of WiFi Usage: Report.

FIRE DEPARTMENT (273150)

November 2008 Monthly Budget Status Report.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (273151)

Online Legal Research Services: 3 year contract with Thomson Reuters.

Memorandum of Understanding: Midwest Entertainment Group, LLC, the Minnesota Timberwolves Basketball Limited Partnership, LLC and the City of Minneapolis regarding the Target Center ADA Compliance Review.

Restorative Justice Community Action, Inc.: Contract extension.

Powderhorn Park Neighborhood Association: Contract extension.

BUSINESS INFORMATION SERVICES (BIS) (273152)

Unisys Managed Service Contract: Amend contract C-25200 to provide laptops to the Mobile Housing Inspectors in Regulatory Services Department.

FINANCE DEPARTMENT (273153)

Actuarial Services Consultant Panel: Issue RFP.

2008 Property Tax Special Assessment of Delinquent Utility Charges.

HEALTH AND FAMILY SUPPORT SERVICES (273154)

Twin Cities Healthy Start: Apply for a five-year grant of up to \$4,625,000 from U.S. Department of Health and Human Services to reduce infant mortality in Minneapolis and St. Paul.

HUMAN RESOURCES (273155)

Minneflex and Health Reimbursement Arrangement (HRA) Plans: Amendments.

Minneapolis Building and Construction Trades Council, Inspectors Unit: Labor agreement.

Teamsters, Local 320, 911 Supervisors Unit: Labor agreement.

International Alliance of Theatrical Stage Employees, Local 13: Labor agreement.

Plumbers, Local 15, Water Works Maintenance Unit: Labor agreement.

International Brotherhood of Electrical Workers, Local 292: Labor agreement.

REGULATORY SERVICES (273156)

US Housing and Urban Development (HUD) Grant: Accept grant funds to provide lead hazard reductions in the Phillips, Central and Powderhorn Park Neighborhoods, and to conduct research on methods to reduce lead dust from floors throughout Minneapolis.

ZONING AND PLANNING (See Rep):

HERITAGE PRESERVATION COMMISSION (273157)

1900 Colfax Ave S: Appeal of denial of demolition of a historic resource.

INSPECTIONS/BOARD OF ADJUSTMENT (273158)

SDDI Sign Systems, on behalf of University of Minnesota Physicians (720 Washington Ave SE): Appeal of variance application decisions regarding height of sign and total size allocation for signs.

PLANNING COMMISSION/DEPARTMENT (273159)

Tom Bohlen on behalf of Gallop Solutions (2732 Bloomington Ave): rezoning application to accommodate existing structure.

The Main Group - Big E's Restaurant/Literary Café (2440 Oakland Ave): Rezoning application to convert a duplex to restaurant.

FILED:

EXCELSIOR DEVELOPMENT, LLC (273145)

Permission to vacate an alley in the vicinity of Chicago Ave.

The following reports were signed by Mayor Rybak on November 25, 2008, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The COMMUNITY DEVELOPMENT Committee submitted the following report:

Comm Dev - Your Committee recommends passage of the accompanying resolution adding 17 parcels to, and deleting 17 parcels from, the Minneapolis Housing Replacement Tax Increment Financing District II.

Adopted 11/21/2008.

Resolution 2008R-514, adopting the addition of 17 parcels (2705 Oliver Ave N; 2943, 2655, 2911, 2720 Penn Ave N; 3019 Morgan Ave N; 2718 Fremont Ave N; 2511 4th St N; 1418 Sheridan Ave N; 416 30th Ave N; 2542 12th Ave S; 5113 Dupont Ave N; 2743 Queen Ave N; 4822 Girard Ave N; 2434 Irving Ave N; 3018 4th St N; 1409 E 26th St to, and deletion of 17 parcels (3534 Fremont Ave N; 2130, 2131 Lyndale Ave N; 2747 Penn Ave N; 3023 4th St N; 1711 25th Ave N; 1614, 1618, 1717 & 1815 26th Ave N; 406 & 420 30th Ave N; and 409, 424, 427, 428 & 429 31st Ave N) from Housing Replacement TIF District II, was adopted 11/21/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-514

By Goodman

Adopting the Addition to and Deletion from Housing Replacement TIF District II of the Below Stated Parcels.

Resolved by The City Council of The City of Minneapolis:

Section 1. Recitals

Pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Sections 31-34, and Minneapolis Code of Ordinances, Chapter 415, the of Minneapolis (the "City"), acting by and through its department of Community Planning and Economic Development, has been granted the authority to propose and implement city development districts, housing and redevelopment projects and tax increment financing districts, all pursuant to Minnesota Statutes, Sections 469.001 through 469.134, and 469.174, as amended, and Laws of Minnesota 1995, Chapter 264, Article 5, Sections 44 through 47, as amended by Minnesota Session Laws 1996, Chapter 471, Article 7, Minnesota Session Laws 1997, Chapter 231, Article 10, and Minnesota Session Laws 2002, Chapter 377, Article 7 (the "Act") and other laws enumerated therein (collectively, the "Project Laws"); and

By Resolution No. 2003R-386 duly adopted on August 22, 2003, the City Council of the City (the "Council") adopted a resolution approving the Minneapolis Housing Replacement TIF District II Plan enabling the Agency to establish a Housing Replacement Tax Increment Financing District (the "District") within the City; and

That the Act and the Plan specify the procedures whereby parcels may be added to and deleted from the District; and

It has been proposed that the City adds 17 parcels to the District and deletes 17 parcels previously added to the District.

Section 2. Findings for the Adoption of the Plan.

The Council further finds, determines and declares that 17 parcels are being deleted from the District.

The Council further finds, determines and declares that the intended acquisition of these parcels did not take place and redevelopment did not occur, pursuant to the Project Laws.

The Council further finds, determines and declares that the parcels to be added to and certified within the District do not include vacant parcels.

The Council further finds, determines and declares that the intended reuse of these parcels is market-rate, owner-occupied housing, pursuant to the Project Laws.

The Council further finds, determines and declares that there will be 100 parcels in the Minneapolis Housing Replacement TIF District II with the inclusion and deletion of the parcels identified on Attachment 1 to this resolution.

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the parcels listed are hereby approved for inclusion (underscored) and/or deletion (stricken) as part of the Minneapolis Housing Replacement TIF District II.

Existing Housing Replacement District II Properties (100)

2709 Humboldt Avenue North
2354 James Avenue North
3243 Aldrich Avenue North
3210 Aldrich Avenue North
3250 6th Street North
3223 6th Street North
4515 5th Avenue South
2750 Thomas Avenue North
1900 Willow Avenue North – Lowell School Site Assemblage
1418 25th Avenue North
2627 Fremont Avenue North
1014 30th Avenue North
1316 14th Avenue North
2127 Queen Avenue North
3207 Bryant Avenue North
2641 Emerson Avenue North
2615 Thomas Avenue North

1518 Morgan Avenue North
2511 James Avenue North
2525 James Avenue North
2638 Colfax Avenue North
2814 Knox Avenue North
2542 17th Avenue South
2826 14th Avenue South
3504 Longfellow Avenue South
3343 Fremont Avenue North
630 19th Avenue NE
2751 Sheridan Avenue North
2119 James Avenue North
2302 Fremont Avenue North
419 31st Avenue North
~~427 31st Avenue North~~
~~428 31st Avenue North~~
~~429 31st Avenue North~~
1415 18th Avenue NE
3519 Oliver Avenue North
2534 James Avenue North
2530 James Avenue
2101 Ilion Avenue North
1000 30th Avenue North
~~406 30th Avenue North~~
~~420 30th Avenue North~~
~~409 31st Avenue North~~
415 31st Avenue North
~~424 31st Avenue North~~
~~3023 4th Street North~~
2619 Oliver Avenue North
2636 Penn Avenue North
2700 Penn Avenue North
2717 Penn Avenue North
2721 Penn Avenue North
2733 Penn Avenue North
1705 25th Avenue North
~~1711 25th Avenue North~~
2501 James Avenue North
~~1618 26th Avenue North~~
~~1614 26th Avenue North~~
~~1717 26th Avenue North~~
2417 16th Avenue South
2419 16th Avenue South
2422 16th Avenue South
2424 16th Avenue South
2435 16th Avenue South
2439 16th Avenue South
2206 James Avenue North
409 Logan Avenue North
2125 Lyndale Avenue North
2127 Lyndale Avenue North
~~2131 Lyndale Avenue North~~
2719 Oliver Avenue North
2218 Penn Avenue North

2747 Penn Avenue North
2622 Plymouth Avenue North
2747 Queen Avenue North
3112 6th Street North
~~1815 26th Avenue North~~
4143 Penn Avenue North
3547 Humboldt Avenue North
4130 Fremont Avenue North
3035 6th Street North
3016 6th Street North
2034 James Avenue North
2038 James Avenue North
~~3534 Fremont Avenue North~~
2109 James Avenue North
2114 James Avenue North
2611 Penn Avenue North
2631 Penn Avenue North
2950 Queen Avenue North
1915 EM Stately Street
1844 East 26th Street
2600 17th Avenue South
400 31st Avenue North
4126 Fremont Avenue North
3649 2nd Avenue South
3001 Queen Avenue North
4122 Fremont Avenue North
~~2130 Lyndale Avenue North~~
1352 Thomas Avenue North
1411 Sheridan Avenue North
2705 Oliver Avenue North
2943 Penn Avenue North
3019 Morgan Avenue North
2718 Fremont Avenue North
2511 4th Street North
1418 Sheridan Avenue North
416 30th Avenue North
2542 12th Avenue South
5113 Dupont Avenue North
2743 Queen Avenue North
4822 Girard Avenue North
2655 Penn Avenue North
2911 Penn Avenue North
2434 Irving Avenue North
2720 Penn Avenue North
3018 4th Street North
1409 East 26th Street

Adopted 11/21/2008.

The COMMUNITY DEVELOPMENT, PUBLIC SAFETY & REGULATORY SERVICES and WAYS & MEANS/BUDGET Committees submitted the following report:

Comm Dev, PS&RS & W&M/Budget - Your Committee, having under consideration 2008 Consolidated Plan Amendment #1, the City's application to the U.S. Department of Housing and Urban Development (HUD) for 2008 Special Community Development Block Grant funds supporting a new federal program called the Neighborhood Stabilization Program (NSP), now recommends:

Comm Dev - Approval of Amendment #1, and that City staff be directed to submit said Amendment to HUD on December 1, 2008, along with any public comments received thereon during the public comment period.

PS&RS - That the report be received and filed.

W&M/Budget - That the matter be forwarded without recommendation.

Goodman moved that the report be amended to approve the Community Development Committee recommendation and to delete the Public Safety & Regulatory Services and Ways & Means/Budget Committees recommendations. Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 11/21/2008.

The COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET Committees submitted the following reports:

Comm Dev & W&M/Budget - Your Committee, having under consideration the 38th and Chicago Redevelopment Area Plan, now recommends:

a) Passage of the accompanying resolution authorizing sale of the property at 3749 Chicago Ave S to Artspace Projects, Inc, or an affiliate or related entity, for \$510,000, subject to the conditions set forth in the Department of Community Planning & Economic Development staff report;

b) Passage of the accompanying resolution increasing the revenue budget in the Department of Community Planning and Economic Development Community Development Fund by \$510,000;

c) Approval of a Great Street Gap Financing Loan to Artspace Projects, Inc., or an affiliate or related entity, for an amount not to exceed \$425,000; in conformance with terms set forth in the staff report; and

d) That the proper City officers be authorized to execute necessary documents by and between the City and Artspace Projects, Inc.

Adopted 11/21/2008.

Resolution 2008R-515, authorizing sale of land, 38th and Chicago Redevelopment Area Plan Disposition Parcel No. 27, at 3749 Chicago Ave S, was adopted 11/21/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2008R-515
By Goodman and Ostrow**

Authorizing sale of land, 38th and Chicago Redevelopment Area Plan Disposition Parcel No. 27, at 3749 Chicago Ave S.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel No. 27 in the 38th and Chicago Redevelopment Area Plan, from Artspace Projects, Inc. or an affiliate or related entity, hereinafter known as the Redeveloper, the Parcel No. 27, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of 38th & Chi - 27; 3749 Chicago Avenue South: Lots 18 and 19, Block 1, Chicago Avenue and Lyndale Addition to Minneapolis. Being registered land as is evidenced by Certificate of Title No. 1225628; and

Whereas, the Redeveloper has offered to pay the sum of \$510,000, for Parcel 38th & Chi - 27; the offer includes a development plan and commitment to improve by rehabilitating the existing structure. This offer is in accordance with the Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with accepted methods of aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in Finance and Commerce on Friday, November 7, 2008, a public hearing on the proposed sale was duly held on November 18, 2008, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value, for uses in accordance with the 38th and Chicago plan, as amended, is hereby estimated to be the sum of \$480,000, for Parcel 38th & Chi – 27; however, the City is selling Parcel No. 27 for the sum of \$510,000.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the Parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate official of the City.

Adopted 11/21/2008.

RESOLUTION 2008R-516
By Goodman and Ostrow

Amending the 2008 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the budget revenue in the Department of Community Planning and Economic Development Community Development Fund (01SPH-8900900-348501) by \$510,000.

Adopted 11/21/2008.

Comm Dev & W&M/Budget - Your Committee recommends passage of the accompanying resolution delegating authority to the Department of Community Planning & Economic Development Director or designees to enter into standard form Confidentiality and Non-Disclosure Agreements, and that the property City staff be directed to prepare a Procedure Document consistent with the Minneapolis Contract Monitoring Procedures Manual prior to any execution of the subject agreement.

Adopted 11/21/2008.

Resolution 2008R-517, delegating authority to make and execute Confidentiality and Non-Disclosure agreement form contracts, was adopted 11/21/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-517
By Goodman and Ostrow

Delegating authority to make and execute Confidentiality and Non-Disclosure agreement form contracts.

Resolved by The City Council of The City of Minneapolis:

That pursuant to City Charter chapter 4, section 25, the City Council hereby delegates authority to the Community Planning & Economic Development Department head or designees to make and execute Confidentiality and Non-Disclosure agreements with prospective developers regarding business plan and similar data protected by the Minnesota Government Data Practices Act at no cost for a term not to exceed twelve months using a form approved by the City Attorney.

Adopted 11/21/2008.

Comm Dev & W&M/Budget - Your Committee recommends approval of the Upper Harbor Terminal Operating Budget for 2009, as set forth in the Department of Community Planning & Economic Development staff report.

Adopted 11/21/2008.

Comm Dev & W&M/Budget - Your Committee, having under consideration the Loring Park Neighborhood Revitalization Program (NRP) Phase II Neighborhood Action Plan, now recommends:

- a) Approval of said Action Plan, and specifically those parts of the Plan that fall under City jurisdiction, in an amount not to exceed \$502,173;
- b) Passage of the accompanying resolution increasing the Department of Community Planning and Economic Development appropriation in the NRP Fund by \$196,582;
- c) Referral of \$305,591 for Plan implementation in a reserve account within the NRP Fund for future year expenditures on the approved Plan, provided that no more than \$372,342 of the amount approved for the Plan be obligated in the first three years after approval of the Plan; and
- d) That the proper City officers be authorized to enter into any contracts or agreements needed to implement said Plan.

Adopted 11/21/2008.

RESOLUTION 2008R-518
By Goodman and Ostrow

Amending The 2007 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Agency in the NRP Program Fund (01CNR-8900-800) by \$196,582.

Adopted 11/21/2008.

Comm Dev & W&M/Budget - Your Committee, having under consideration the Broadway Plaza YWCA Project Great Streets Grant, now recommends authorization for a \$432,000 grant to Great Neighborhoods Development Corporation to assist with project costs for the Broadway Plaza YWCA project at 718-800 W Broadway.

Your Committee further recommends passage of the accompanying resolution increasing Community Planning and Economic Development (CPED) Department appropriations and revenue budget by \$432,000.

Adopted 11/21/2008.

RESOLUTION 2008R-519

By Goodman and Ostrow

Amending the 2007 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended as follows:

- a) Increasing the appropriation for the Community Planning and Economic Development Agency in the South Nicollet Mall Fund (01CBY-8900320) by \$432,000 from available fund balance;
- b) Increasing the appropriation for the Community Planning and Economic Development Agency in the Common Project Uncertified Fund (01CAZ-8900320) by \$432,000; and
- c) Increasing the revenue source in the Community Planning and Economic Development Agency in the Common Project Uncertified Fund (01CAZ-8900900-382801) by \$432,000.

Adopted 11/21/2008.

The INTERGOVERNMENTAL RELATIONS and WAYS & MEANS/BUDGET Committees submitted the following report:

IGR & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute Amendment #1 to Contract # C-24688 with St. Stephen's Human Services, Inc., for homeless outreach services, extending the contract period from July 15, 2008 to July 15, 2009, and increasing the amount of the contract by \$100,000, payable from Intergovernmental Relations Fund (00100-8410100).

Adopted 11/21/2008.

The PUBLIC SAFETY & REGULATORY SERVICES Committee submitted the following reports:

PS&RS - Your Committee, having under consideration the application of Spyhouse Coffee Shop-East Isles, dba Spyhouse Coffee Shop, 2404 Hennepin Av, for a Sidewalk Cafe License (new business) to expire April 1, 2009, and having held a public hearing thereon, now recommends that said license be granted in accordance with the revised plan (three tables on Hennepin Avenue and one table on 24th Street), subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 11/21/2008.

PS&RS - Your Committee recommends passage of the accompanying resolution granting the application of Uruba Coffee, 417 E Lake St, for a Rental Hall License, subject to conditions.

Adopted 11/21/2008.

Resolution 2008R-520, granting applications for Uruba Coffee, 417 E Lake St, for a Rental Hall License, was adopted 11/21/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-520

By Samuels

Granting the application of Uruba Coffee, 417 E Lake St, for a Rental Hall License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Uruba Coffee LLC, dba Uruba Coffee, 417 E Lake St #201, for a Rental Hall License (new business) to expire February 1, 2009, subject to the following conditions:

1. All rental agreements must be written and upon request made available for inspection by the business license staff.
 2. The rental hall must operate under the hours of operation approved under the conditional use permit as follows: 6:00 a.m. to 11:00 p.m. Monday through Thursday; until 2:00 a.m. Friday and Saturday; and until 1:00 a.m. Sunday.
 3. Uruba Coffee will not contract with for profit professional promoters to rent the rental hall.
 4. A rental agreement must exist with another entity. Uruba Coffee will not charge a ticket, door admission, or gate fee. Guests must be invited or considered a participant to the meeting.
 5. Security will be provided in compliance with Section 266.60(5) of the Minneapolis Code of Ordinances which provides for security any time there is more than 50 people, alcohol is present, or live dancing.
 6. Uruba Coffee understands that they are not licensed to have alcoholic beverages at the rental hall. Temporary alcohol licenses must be applied for separately, if alcohol is to be present at an event.
 7. Litter must be removed within 100 feet of the property line on a daily basis.
 8. No advertising posters, cards or other type of media may be posted on public property at any time. Advertising may be placed on private property with the permission of the property owner.
 9. final inspection and compliance with all provisions of applicable codes and ordinances.
- Adopted 11/21/2008.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Liquor, Wine and Beer Licenses.
Adopted 11/21/2008.

Resolution 2008R-521, granting applications for Liquor, Wine and Beer Licenses, was adopted 11/21/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-521
By Samuels

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 273141):

Off-Sale Liquor, to expire October 1, 2009

Mourado's Liquors Inc, dba Mourado's Liquors, 2426 2nd St NE

On-Sale Liquor Class B with Sunday Sales, to expire April 1, 2009

Dinkytownner Inc, dba Dinkytownner Cafe, 412 14th Av SE (internal transfer of shares)

On-Sale Liquor Class B with Sunday Sales, to expire July 1, 2009

Last Cowboy LLC, dba Bar Abilene, 1300 Lagoon Av (new manager)

On-Sale Liquor Class C-2 with Sunday Sales, to expire October 1, 2009

Moto-I Inc, dba Moto-I, 2940 Lyndale Av S

On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2009

Woman's Club of Minneapolis, dba Woman's Club of Minneapolis,
410 Oak Grove St (new manager)

On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2009

Dine & Dash Inc, dba Town Talk Diner, 2707 E Lake St (change in ownership from Town Talk Diner LLC)

On-Sale Wine Class E with Strong Beer, to expire April 1, 2009

CH & JA Enterprises LLC, dba Panino's Restaurant at the U, 921 Washington Av SE (internal transfer of shares)

Himalayan Restaurant LLC, dba Himalayan Restaurant, 2401 E Franklin Av (new business)

Off-Sale Beer

Madi Inc, dba Venus Grocery, 3751 Portland Av (new business)

Temporary On-Sale Beer

Church of the Holy Cross, dba Church of the Holy Cross, 1621 University Av NE (September 20, 2008, 5:00 p.m. to 10:00 p.m.; and September 21, 2008, Noon to 6:00 p.m.).

Adopted 11/21/2008.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Business Licenses.

Adopted 11/21/2008.

Resolution 2008R-522, granting applications for Business Licenses, was adopted 11/21/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-522
By Samuels

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of November 21, 2008 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 273141):

Bed & Breakfast Facility; Christmas Tree; Caterers; Confectionery; Food Manufacturer; Restaurant; Short-Term Food Permit; Sidewalk Cafe; Gasoline Filling Station; Hospital; Hotel/Motel; Motor Vehicle Dealer – Cycles & Motorbikes; Motor Vehicle Dealer – Used Only; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Towing Class B; Solid Waste Hauler; Suntanning Facility; Taxicab Limited; Taxicab Vehicle; Theater Zone I; Valet Parking.

Adopted 11/21/2008.

PS&RS - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the Combined Trades License held by Dave's Heating, Air Conditioning & Electric, 1601 37th Av NE.

Adopted 11/21/2008.

Resolution 2008R-523, approving License Settlement Conference recommendations relating to the Combined Trades License held by Dave's Heating, Air Conditioning & Electric, 1601 37th Av NE, was adopted 11/21/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-523

By Samuels

Approving License Settlement Conference recommendations relating to the Combined Trades License held by Dave's Heating, 1601 37th Av NE.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on September 24, 2008 with the licensee; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that the licensee failed to call for required inspections in violation of Minnesota Rules 1300.0210, Subp.4, and Section 85.20 of the Minneapolis Code of Ordinances; and for failure to comply with written orders resulting in unsafe conditions in violation of Section 87.320 of the Minneapolis Code of Ordinances;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following recommendations be adopted, as more fully set forth in said Findings on file in the Office of the City Clerk and made a part of this report by reference:

1. The City will impose a \$1,000 sanction, of which \$500 shall be paid after approval by the City Council, and \$500 to be stayed pending no further permit violations, failure to comply with written orders, or failure to notify the Inspections Division of required inspections.

2. All permits must be obtained before any work is started at the jobsite or within 24 hours of an emergency repair. The current department policy is the contractor must call the area inspector and notify them of the emergency repair on their voice mail. The contractor then must obtain the permit within 24 hours of the repair or the next available day the Inspections Division is open.

3. Dave's Heating and Air Conditioning and Electric must call Construction Code Services in a timely manner for rough-in and final inspections.

4. Dave's Heating and Air Conditioning and Electric will comply with all written orders by the due date given by the inspector unless the inspector has granted an extension to the orders of the inspections.

5. Dave's Heating and Air Conditioning and Electric understands that further violations of the mechanical codes resulting in an unsafe condition may result in adverse license action.

Adopted 11/21/2008.

PS&RS - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the Off-Sale Liquor License held by Hiawatha Falls Liquor, 4727 Hiawatha Av.

Adopted 11/21/2008.

Resolution 2008R-524, approving License Settlement Conference recommendations relating to the Off-Sale Liquor License held by Hiawatha Falls Liquor, 4727 Hiawatha Av, was adopted 11/21/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-524

By Samuels

Approving License Settlement Conference recommendations relating to the Off-Sale Liquor License held by Hiawatha Falls Liquor, 4727 Hiawatha Av.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on October 8, 2008 with the licensee; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that on two separate occasions within a period of less than two years, employees of Hiawatha Falls Liquor sold alcohol to persons under the age of 21, in violation of Section 370.10 of the Minneapolis Code of Ordinances, Minnesota Statute 340A.503, subd. 2(1), and the established compliance check policy and procedures of the City of Minneapolis;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following recommendations be adopted, as more fully set forth in said Findings on file in the Office of the City Clerk and made a part of this report by reference:

1. That a sanction in the amount of \$3,000 be imposed. \$1,500 will be stayed for a period of two years pending no further alcohol compliance check failures. \$1,500 will be paid in the following manner upon signing the agreement: \$375 on December 1, 2008; \$375 by January 1, 2009; \$375 by February 1, 2009; and \$375 by March 1, 2009. Fines payable to the Minneapolis Finance Department, delivered to the office of Licenses & Consumer Services.

2. Hiawatha Falls Liquor agrees to have a trained store manager on the premises during hours of operation to ensure compliance with the written alcohol policy.

3. Hiawatha Falls Liquor will purchase and consistently operate the technology that requires a scanned ID prior to sale of alcohol.

4. Hiawatha Falls Liquor agrees to establish and submit a written alcohol policy upon signing the agreement that includes training of staff prior to hire, training certification for essential employees, rewards, and penalties for employee noncompliance with policies, use of signs for customers, employee, communication with employee regular policy and secret shoppers.

5. This agreement does not alter or preclude any previously imposed license conditions that may exist regarding any other licenses held by Hiawatha Falls Liquor.

6. This agreement shall not preclude any other adverse license action for subsequent violations of this agreement, or for subsequent violations or subsequently discovered violations of any federal, state or local laws, ordinances or regulations.

Adopted 11/21/2008.

PS&RS - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the Food Manufacturer License held by Slice of Chicago, 1600 W Broadway.

Adopted 11/21/2008.

Resolution 2008R-525, approving License Settlement Conference recommendations relating to the Food Manufacturer License held by Slice of Chicago, 1600 W Broadway, was adopted 11/21/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-525

By Samuels

Approving License Settlement Conference recommendations relating to the Food Manufacturer License held by Slice of Chicago, 1600 W Broadway.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on October 14, 2008 with the licensee; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that Slice of Chicago has experienced a high amount of police calls for service due to excessive loitering and illegal activities occurring in the vicinity of the business. Although improved at this time, the premises has had a history of not being well maintained thus creating an environment that discourages health, normal retail shopping opportunities

for the neighborhood. Recent use of security staff has proven to be effective in reducing negative activity on the business premises. To further address these problems, a series of business operating conditions were developed in cooperation with the owner;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the business licenses held by Slice of Chicago be henceforth maintained subject to the following set of operating conditions, as more fully set forth in said Findings on file in the Office of the City Clerk and hereby made a part of this report by reference:

1. "No Trespassing" signs will remain clearly posted on the exterior of the business. Store staff will immediately ask people that are observed loitering in the immediate vicinity of the store to leave. If the loitering activity persists, staff will call 911 and request police assistance to alleviate the loitering activity. The business agrees to cooperate fully in the prosecution of criminal activity.

2. The business agrees to keep all exterior and interior lights illuminated and functioning properly.

3. All windows will be free of signs and other items that block the view in and out, as is specified in Section 543.350 of the Minneapolis Code of Ordinances.

4. The owner shall comply with the Surveillance Camera Ordinance, Minneapolis Ordinance 259.230. Additionally, the business will install two (2) exterior cameras.

5. The business agrees to clean the property, and all areas within 100 feet of the property line of litter and trash twice daily. The business shall maintain a litter receptacle in front in front of the business that is convenient for customer use.

6. Refuse shall be stored in a regularly serviced, closed container (dumpster) that shall be maintained screened from view as is required by Minneapolis Codes. At no time shall this refuse container be overfilled so that the cover cannot be completely closed at all times.

7. The business shall remain in compliance with all ordinances and notices from the Environmental Health Division.

8. The fence on the western property line shall be repaired and maintained to a professional state with no gaps or areas of egress.

9. The business agrees to hire security staff at least four (4) hours per day and four (4) days a week, three (3) of them being Thursday, Friday and Saturday, covering the latest hours of operation.

10. The false alarm fee of \$1,460 and fine of \$200 totals \$1,660. The business agrees to a payment plan in which \$415 is paid at the signing of these conditions.

The business agrees to continue with payments of \$415 on December 1, 2008, January 1, 2009 and February 1, 2009.

Adopted 11/21/2008.

PS&RS – Your Committee recommends that the proper City officers be authorized to execute an Intergovernmental Agreement with the State of Minnesota, through its Department of Public Safety, Homeland Security & Emergency Management, to provide for the deployment of any City resources to fill an Emergency Management Assistance Compact request in a disaster like situation.

Adopted 11/21/2008.

PS&RS – Your Committee recommends passage of the accompanying resolution establishing an Animal Care & Control Advisory Board.

Adopted 11/21/2008.

Approved by Mayor Rybak 11/21/2008

(Published 11/25/2008)

Resolution 2008R-526, establishing an Animal Care & Control Advisory Board, was adopted 11/21/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-526

By Goodman

Establishing an Animal Care & Control Advisory Board.

Whereas, the City of Minneapolis benefits from the involvement of its residents; and

Whereas, Animal Care & Control provides high quality services to city residents and responds to over 16,000 requests for service dealing with domestic animals and wildlife each year; and

Whereas, Animal Care & Control rescues injured animals and strays, investigates animal bites, declares dangerous animals, and works to prevent dog fighting and animal cruelty to protect the public's health and safety; and

Whereas, Animal Care & Control adopts close to 500 animals a year, works with rescue organizations, treats sick and injured animals, and returns lost pets to their owners;

Whereas, Animal Care & Control partners with other local agencies, including the Animal Humane Society and law enforcement, to protect all members of families, both two-legged and four-legged; and

Whereas, Minneapolis Animal Care & Control needs assistance to effectively work in the areas of public education and outreach to raise the profile of the program and to reach more constituencies; and

Whereas, such involvement with the animal community to expand education and outreach efforts should increase general awareness of Animal Care & Control's staff, facilities and mission; and

Whereas, this exposure should increase the number of licensed animals and decrease the number of aggressive animal incidents in the City of Minneapolis;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis hereby creates the Animal Care & Control Advisory Board with the following details:

1. *Purpose:* To advise and assist the Minneapolis Animal Care & Control on the development of animal-related policies and decision-making processes, burgeoning community issues related to animals, and public education and outreach efforts

2. *Number of Members:* 11

3. *Term Length:* 2 years

4. *Term Limits:* None

5. *Compensation:* None

6. *Public Hearings held for City of Minneapolis open appointments process:* No

7. *Minneapolis Residency Requirement:* No

8. *Selection Procedure:*

a. Members will be appointed using the City's open appointments process and selected by the Managers of Animal Care & Control and approved by the Assistant City Coordinator of Regulatory Services or their designee;

b. Members will be selected to represent the following categories:

Local Animal-Related Business Owners

Rescue Organizations

Non-Profit Organizations

Veterinarians

Urban Farmers

Animal-Related Media

Residents

c. Members will be appointed no later than January 31, 2009.

9. *Selection of officers:* Chair and any other officers shall be selected by the 11 board members.

10. *Meeting Schedule:* Board will meet at a minimum of once per quarter each calendar year.

11. *Attendance Requirements:* Three (2) unexcused absences from regular meetings during a calendar year may result in termination of membership.

12. *Department:* Convened, facilitated and staffed by the Animal Care & Control.

13. *Reporting*: Periodic reports shall be submitted to the Public Safety & Regulatory Services Committee.

14. *Sunset*: No sunset provision is established for this advisory board.

Adopted 11/21/2008.

Approved by Mayor Rybak 11/21/2008

PS&RS – Your Committee, to whom was referred an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, requiring a management plan from a rental property licensee after a first incident of conduct on licensed premises involving prostitution, the unlawful sale or possession of controlled substances, or the unlawful possession, transportation, sale or use of a weapon; and allowing crime prevention specialists to reject inadequate management plans and to work with the rental property licensees to develop good working plans to assist in the effective management of the rental property, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 11/21/2008.

Ordinance 2008-Or-090 amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, amending Section 244.2020 to require a management plan from a rental property licensee after a first incident of conduct on licensed premises involving prostitution, the unlawful sale or possession of controlled substances, or the unlawful possession, transportation, sale or use of a weapon; and to allow crime prevention specialists to reject inadequate management plans and to work with the rental property licensees to develop good working plans to assist in the effective management of the rental property, was adopted 11/21/2008 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2008-Or-090

By Samuels

Intro & 1st Reading: 10/10/2008

Ref to: PS&RS

2nd Reading: 11/21/2008

Amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to Housing: Maintenance Code.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 244.2020 of the above-entitled ordinance be amended to read as follows:

244.2020. Conduct on licensed premises. (a) It shall be the responsibility of the licensee to take appropriate action, with the assistance of ~~the community crime prevention/SAFE unit and other units specialists or other assigned personnel~~ of the Minneapolis Police Department, following conduct by tenants and/or their guests on the licensed premises which is determined to be disorderly, in violation of any of the following statutes or ordinances, to prevent further violations.

- (1) Minnesota Statutes, Sections 609.75 through 609.76, which prohibit gambling;
- (2) Minnesota Statutes, Section 609.321 through 609.324, which prohibits prostitution and acts relating thereto;
- (3) Minnesota Statutes, Sections 152.01 through 152.025, and Section 152.027, Subdivisions 1 and 2, which prohibit the unlawful sale or possession of controlled substances;
- (4) Minnesota Statutes, Section 340A.401, which prohibits the unlawful sale of alcoholic beverages;
- (5) Section 389.65 of this Code, which prohibits noisy assemblies;

- (6) Minnesota Statutes, Sections 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716, and section 393.40, 393.50, 393.70, 393.80, 393.90 and 393.150 of this Code, which prohibit the unlawful possession, transportation, sale or use of a weapon; or
- (7) Minnesota Statutes, Section 609.72, and Section 385.90 of this Code, which prohibit disorderly conduct, when the violation disturbs the peace and quiet of the occupants of at least two (2) units on the licensed premises or other premises, other than the unit occupied by the person(s) committing the violation.

(b) ~~The community crime prevention/SAFE unit police department~~ and the inspections division shall be jointly responsible for enforcement and administration of section 244.2020.

(c) Upon determination by ~~the a community crime prevention/SAFE unit specialist, or other assigned police department employee,~~ utilizing established procedures, that a licensed premises was used in a disorderly manner, as described in subsection (a), the responsible ~~SAFE team crime prevention specialist or other assigned police department employee~~ shall notify the licensee by mail of the violation and direct the licensee to take appropriate action with the assistance of ~~the community crime prevention/SAFE unit and other units of the Minneapolis Police Department~~ to prevent further violations. If the instance of disorderly use of the licensed premises involved conduct specified in paragraphs (a)(2), (a)(3) or (a)(6) of this section the licensee shall submit a satisfactory written management plan to the police department within ten (10) days of receipt of the notice of disorderly use of the premises. The written management plan shall comply with the requirements established in paragraph (d) of this section. The licensee shall implement all provisions of the written management plan within twenty (20) days after acceptance of the management plan by the crime prevention specialist or other assigned police department employee. The notice provided to the licensee of the violation shall inform the licensee of the requirement of submitting a written management plan. That notice shall further inform the licensee that failure to submit a written management plan or failure to implement all provisions of the management plan within twenty (20) days after its acceptance may result in the city council taking action to deny, refuse to renew, revoke, or suspend the license. The established procedures manual is available to the public from the community services bureau of the Minneapolis Police Department.

(d) If another instance of disorderly use of the licensed premises occurs within eighteen (18) months, if the premises contains between one (1) and six (6) distinct and separate residential units, or within twelve (12) months, if the premises contains more than six (6) distinct and separate residential units, of an incident for which a notice in subsection (c) was given, the ~~responsible SAFE team crime prevention specialist or other assigned police department employee~~ shall notify the licensee by mail of the violation. The licensee shall submit a satisfactory written management plan to the ~~SAFE team police department~~ within ten (10) days of receipt of the notice of disorderly use of the premises. The written management plan shall detail all actions taken by the licensee in response to all notices of disorderly use of the premises within the preceding twelve (12) months. The written management plan shall also detail all actions taken and proposed to be taken by the licensee to prevent further disorderly use of the premises. The licensee shall implement all provisions of the written management plan within twenty (20) days after acceptance of the management plan by the crime prevention specialist or other assigned police department employee. The notice provided to the licensee of the violation shall inform the licensee of the requirement of submitting a written management plan. That notice shall further inform the licensee that failure to submit a written management plan or failure to implement all provisions of the management plan within twenty (20) days after its acceptance may result in the city council taking action to deny, refuse to renew, revoke, or suspend the license. The licensee or the listed agent/contact person for the licensee shall also successfully complete a property owner's workshop at the direction of and in accordance with a schedule set forth by the ~~SAFE team police department~~. Any costs associated with that workshop will be the sole responsibility of the licensee. The notice provided to the licensee of the violation shall inform the licensee of the requirement of the licensee or the listed agent/contact person for the licensee of the requirement to successfully complete a property owner's workshop. That notice shall further inform the licensee that failure to successfully complete the property owner's workshop may result in the city council taking action to deny, refuse to renew, revoke, or suspend the license.

(e) When required by paragraph (d), the rental dwelling license for the premises may be denied, revoked, suspended, or not renewed if the licensee fails to submit a written management plan that satisfies the requirements set forth in paragraph (d), or if the licensee fails to timely implement all provisions of an accepted written management plan, or if the licensee or the listed agent/contact person for the licensee fails to successfully complete a property owner's workshop after a minimum of two (2) approved workshops have been scheduled, offered and held. An action to deny, revoke, suspend, or not renew a license under this section shall be initiated by the director of inspections in the manner described in section 244.1940, and shall proceed according to the procedures established in sections 244.1950, 244.1960, and 244.1970.

(f) If another instance of disorderly use of the licensed premises occurs within eighteen (18) months, if the premises contains between one (1) and six (6) distinct and separate residential units, or within twelve (12) months, if the premises contains more than six (6) distinct and separate residential units, after the second of any two (2) previous instances of disorderly use for which notices were sent to the licensee pursuant to this section, the rental dwelling license for the premises may be denied, revoked, suspended, or not renewed. An action to deny, revoke, suspend, or not renew a license under this section shall be initiated by the director of inspections in the manner described in section 244.1940, and shall proceed according to the procedures established in sections 244.1950, 244.1960, and 244.1970.

(g) No adverse license action shall be imposed where the instance of disorderly use of the licensed premises occurred during the pendency of eviction proceedings (unlawful detainer) or within thirty (30) days after a notice is given by the licensee to a tenant to vacate the premises, where the disorderly use was related to conduct by that tenant or his/her guests. Eviction proceedings shall not be a bar to adverse license action, however, unless they are diligently pursued by the licensee. A notice to vacate shall not be a bar to adverse license action unless a copy of the notice is submitted to the SAFE team crime prevention specialist or other assigned police department employee within ten (10) days of receipt of the violation notice. Further, an action to deny, revoke, suspend, or not renew a license based upon violations of this section may be postponed or discontinued by the director of inspections at any time if it appears that the licensee has taken appropriate action to prevent further instances of disorderly use.

(h) A determination that the licensed premises have been used in a disorderly manner as described in subsection (a) shall be made upon substantial evidence to support such a determination. It shall not be necessary that criminal charges be brought to support a determination of disorderly use, nor shall the fact of dismissal or acquittal of such a criminal charge operate as a bar to adverse license action under this section.

~~(i) The public safety and regulatory services committee shall review section 244.2020 three (3) years after the effective date of these revisions to determine its impact upon both landlords and tenants, and to recommend any changes which may be appropriate. The directors of regulatory services and the community services bureau shall keep records of all actions and proposed actions under Section 244.2020 to facilitate the committee review required herein.~~

Adopted 11/21/2008.

The PUBLIC SAFETY & REGULATORY SERVICES and WAYS & MEANS/BUDGET Committees submitted the following reports:

PS&RS & W&M/Budget - Your Committee, to whom was referred an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, providing for a reduction of the conversion rental inspection fee for property owners who are renting their properties for a relatively short, defined amount of time with the intent to reoccupy the property as an owner occupant, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 11/21/2008.

Ordinance 2008-Or-091 amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, amending Section 244.1870 to provide for a reduction of the conversion rental inspection fee for property owners who are renting their properties for a relatively short, defined amount of time with the intent to reoccupy the property as an owner occupant, was adopted 11/21/2008 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2008-Or-091
By Glidden
Intro & 1st Reading: 9/12/2008
Ref to: PS&RS
2nd Reading: 11/21/2008

Amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to Housing: Maintenance Code.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 244.1870 of the above-entitled ordinance be amended to read as follows:

244.1870. Point-of-conversion inspection. (a) A license or provisional license issued hereunder is nontransferable. A new license application shall be required for each change of ownership of a rental dwelling and whenever a dwelling is converted to rental usage.

(b) Whenever a dwelling is converted to rental usage, the dwelling shall be promptly inspected for compliance with the minimum standards set forth in section 244.1855 of this article. The fee for the inspection required by this section shall be one thousand dollars (\$1,000.00) for the inspection of any dwelling converted to rental usage. This fee shall be in addition to the annual license fee. This provision shall not apply to buildings containing six (6) or more dwelling units nor to any rental dwelling owned by a nonprofit entity, as that term is defined in this title. The director of inspections may waive this provision if a property received a certificate of occupancy within three (3) years of the application date.

(c) Noncompliance with written orders duly issued pursuant to the inspection required under this section shall constitute cause for the imposition of adverse license action, including but not limited to license denial.

(d) If the licensee discontinues rental use and re-occupies the dwelling as an owner occupant within twelve (12) months of paying the inspection fee, the owner may be eligible for a fifty (50) percent refund of the inspection fee, upon written application. The provisions of this section shall apply to any property re-converted to rental use after application for this refund.

Adopted 11/21/2008.

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to submit a 2008 Edward Byrne Memorial Justice Assistance grant application to the United States Department of Justice, Bureau of Justice Assistance, seeking \$196,946 in funding through Hennepin County, to be used for police overtime for targeted patrol and investigation details, and the purchase of various equipment for the Investigative and Patrol Division and other supportive divisions.

Adopted 11/21/2008.

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:

T&PW - Your Committee recommends passage of the accompanying resolution levying special assessments upon the benefited properties for various Public Works Department projects and charges, adopting the assessment rolls, and directing the transmittal of certified copies of the assessment rolls to the Hennepin County Auditor.

Adopted 11/21/2008.

Approved by Mayor Rybak 11/21/2008.

(Published 11/25/2008)

Resolution 2008R-527, levying various Public Works Department special assessments and adopting the assessment rolls, was adopted 11/21/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-527

By Colvin Roy

2008 Levy of Various Public Works Department Special Assessments and Adoption of Assessment Rolls.

Resolved by The City Council of The City of Minneapolis:

That the special assessments for the projects and charges listed below be levied upon the benefited properties for the listed number of successive equal annual installments and interest rates (except as otherwise noted hereinafter), that the assessment rolls as prepared by the City Engineer be adopted and that the City Clerk be directed to transmit certified copies of the assessment rolls to the Hennepin County Auditor for collection to begin on the 2009 real estate tax statements.

1. Uptown (Hennepin-Lake Area) Streetscape Revitalization Project (including Supplemental), Special Improvement of Existing Street No 2897; 15% of cost category adjusted annually for land and building valuation and certified annually for 20 years; 5.3% interest; \$15,280.58 principal and interest for payable 2009 - Levy 01026 - Project 2897N.

2. 54th Street W Street Reconstruction Project, Special Improvement of Existing Street No 6733; \$126,051.64 principal; 20 installments for assessments of more than \$150 - 4.35% interest - Levy 01026 - Project 6733C; 1 installment for assessments of \$150 or less - 3.25% interest - Levy 01026 - Project C6733.

3. Lyndale Avenue S Street Reconstruction Project (Phase I), Special Improvement of Existing Street No 6729; \$840,544.12 principal; 20 installments for assessments of more than \$150 - 4.35% interest - Levy 01026 - Project 6729-1; 1 installment for assessments of \$150 or less - 3.25% interest - Levy 01026 - Project 1-6729.

4. Chicago Avenue S (25th St E to 26th St E) Reconstruction Project, Special Improvement of Existing Street No 6382; \$205,178.04 principal; 20 installments for assessments of more than \$150 - 4.35% interest - Levy 01026 - Project 6382C.

5. Lowry Avenue N Phase II (Girard Ave N to Theodore Wirth Pkwy) Street Reconstruction Project, Special Improvement of Existing Street No 2266; \$407,122.42 principal; 20 installments for assessments of more than \$150 - 4.35% interest - Levy 01026 - Project 2266C, 1 installment for assessments of \$150 or less - 3.25% interest - Levy 01026 - Project C2266.

6. Lynnhurst (Phase IV) Street Renovation Project, Special Improvement of Existing Street No 5183; \$493,725.27 principal; 10 installments for assessments of more than \$150 - 3.65% interest - Levy 01026 - Project 5183R; 1 installment for assessments of \$150 or less - 3.25% interest - Levy 01026 - Project R5183.

7. Areaway Abandonment & Removal at 1515 E Lake St in conjunction with the Lake Street E Street Reconstruction and Streetscape Project, Special Improvement of Existing Street No 6707; \$242,851.90 principal; 20 installments for assessments of more than \$150 - 4.35% interest - Levy 01054 - Project 6707-2.

8. Areaway Abandonment & Removal at 2709 Lake St E, 2629 Lake St E and 4301 Lake St E in conjunction with the Lake St E Street Reconstruction and Streetscape Project, Special Improvement of Existing Street No 6709; \$33,347.37 principal; 20 installments for assessments of more than \$150 - 4.35% interest - Levy 01054 - Project 6709A.

9. Areaway Abandonment & Removal at 701-703 Lake St W, 2922 Lyndale Ave S and 3001 Lyndale Ave S in conjunction with the Lake St W and Lyndale Avenue S Street Reconstruction and Streetscape Project, Special Improvement of Existing Street No 6708; \$7,036.71 principal; 20 installments for assessments of more than \$150 - 4.35% interest - Levy 01054 - Project 6708A.

10. North Hiawatha Street Resurfacing Project, Special Improvement of Existing Street No 2269; \$925,299.28 principal; 5 installments for assessments of more than \$150 - 3.25% interest - Levy 01027 - Project 2269-8; 1 installment for assessments of \$150 or less - 3.25% interest - Levy 01027 - Project 8-2269.

11. Bloomington Avenue South Street Resurfacing Project, Special Improvement of Existing Street No 5190; \$206,927.01 principal; 5 installments for assessments of more than \$150 - 3.25% interest - Levy 01027 - Project 5190-8; 1 installment for assessments of \$150 or less - 3.25% interest - Levy 01027 - Project 8-5190.

12. 20th Avenue South Street Resurfacing Project, Special Improvement of Existing Street No 5191; \$58,776 principal; 5 installments for assessments of more than \$150 - 3.25% interest - Levy 01027 - Project 5191-8; 1 installment for assessments of \$150 or less - 3.25% interest - Levy 01027 - Project 8-5191.

13. Fuller North Street Resurfacing Project (Phase I), Special Improvement of Existing Street No 2270; \$696,956.86 principal; 5 installments for assessments of more than \$150 - 3.25% interest - Levy 01027 - Project 2270-8; 1 installment for assessments of \$150 or less - 3.25% interest - Levy 01027 - Project 8-2270.

14. 54th Street West Street Resurfacing Project, Special Improvement of Existing Street No 5187; \$11,018.75 principal; 5 installments for assessments of more than \$150 - 3.25% interest - Levy 01027 - Project 5187-8; 1 installment for assessments of \$150 or less - 3.25% interest - Levy 01027 - Project 8-5187.

15. 60th Street East Street Resurfacing Project, Special Improvement of Existing Street No 5189; \$51,757.74 principal (reduced from \$51,834.74 due to clerical error); 5 installments for assessments of more than \$150 - 3.25% interest - Levy 01027 - Project 5189-8; 1 installment for assessments of \$150 or less - 3.25% interest - Levy 01027 - Project 8-5189.

16. a. Lake Street East (Hiawatha Ave to W River Rd) Streetscape and Street Lighting Revitalization, Special Improvement of Existing Street No 6709; \$3,277,831.21; 15 installments for assessments of more than \$150 - 4.00% interest - Levy 01026 - Project 6709S; 1 installment for assessments of \$150 or less - 3.25% interest - Levy 01026 - Project S6709.

16. b. Giving final approval for Street Lighting District No 1323 (said district having been established for the Lake Street E (Hiawatha Ave to W River Rd) Streetscape and Street Lighting Revitalization Project No 6709); annual operation and maintenance costs in said district - \$9,999.96 - Levy 01023 - Project 1323.

17. Giving final approval for Street Lighting District No 1312 (said district having been established for the Lake Street E (5th Ave S to Hiawatha Ave) Streetscape and Street Lighting Revitalization Project No 6707) annual operation and maintenance costs in said district - \$5,930.51 - Levy 01023 - Project 1312.

18. 2008 Alley Resurfacing Program, Special Improvement of Existing Alleys No FS08#1; \$47,036.02 principal; 5 installments for assessments of more than \$150 - 3.25% interest - Levy 01013 - Project FS081; 1 installment for assessments of \$150 or less - 3.25% interest - Levy 01013 - Project 081FS.

19. Project No 2009, Snow and Ice Removals from Public Sidewalks; \$144,007.45 principal (reduced from \$162,904.70 due to prepayments); 1 installment - 3.25% interest - Levy 01057 - Project 09SI1.

20. Project No 2009, Public Sidewalk Repair and Construction; \$1,279,604.69 principal (reduced from \$1,350,034.87 due to prepayments); 10 installments for assessments of more than \$1,500 - 3.65% interest - Levy 01052 - Project 09S10; 5 installments for assessments of more than \$150 up to \$1,500

- 3.25% interest - Levy 01052 - Project 09S05; 1 installment for assessments \$150 or less - 3.25% interest - Levy 01052 - Project 09S01.

21. Project No 2009, Water Service Line Repairs; \$427,214.70 principal (reduced from \$460,269.70 due to prepayments); 5 installments at 8% interest - Levy 01028 - Project 09WTR.

22. Project No 2009 Sewer Service Line Repairs; \$63,453.50 principal (reduced from \$67,853.50 due to prepayments); 5 installments at 8% interest - Levy 01083 - Project 09SWR.

23. Street Maintenance annual assessments against non-governmental real property exempt from ad valorem taxes: \$0.45 per front foot.

24. Street Lighting Operation and Maintenance annual assessment against non-governmental real property exempt from ad valorem taxes; assessment rates for Street Lighting Districts as listed in Petn No 273147

Adopted 11/21/2008.

Approved by Mayor Rybak 11/21/2008.

T&PW - Your Committee, having under consideration the Uptown, Dinkytown, Central Ave, Nicollet Ave S, Stadium Village, S Hennepin Ave, 48th St E and Chicago Ave S, 43rd St W and Upton Ave S (Linden Hills), Hennepin Theatre District, Chicago-Lake, and Bloomington-Lake Special Service Districts, and having held a public hearing thereon, now recommends passage of the accompanying resolution approving the special services, cost estimates, and service charges for 2009, and directing the City Engineer to proceed with the work.

Adopted 11/21/2008.

Approved by Mayor Rybak 11/21/2008.

(Published 11/25/2008)

Resolution 2008R-528, approving special services, the cost estimates, service charges and the lists of service charges for 2009 in the Uptown, Dinkytown, Central Ave, Nicollet Ave S, Stadium Village, S Hennepin Ave, 48th St E and Chicago Ave S, 43rd St W and Upton Ave S, the Hennepin Theatre District, Chicago-Lake and Bloomington Lake Special Service Districts and directing the City Engineer to proceed with the work, was adopted 11/21/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-528

By Colvin Roy

Approving special services, the cost estimates, service charges and the lists of service charges for 2009 in the Uptown, Dinkytown, Central Ave, Nicollet Ave S, Stadium Village, S Hennepin Ave, 48th St E and Chicago Ave S, 43rd St W and Upton Ave S, the Hennepin Theatre District, Chicago-Lake and Bloomington Lake Special Service Districts and directing the City Engineer to proceed with the work.

Whereas, public hearings were held on November 10, 2008 in accordance with Laws of Minnesota, 1985, Chapter 302, Laws of Minnesota, 1993, Chapter 375, Article 5, Sections 35 through 38, Laws of Minnesota, 1995, Chapter 264, Article 3, Section 28, Laws of Minnesota, 1996, Chapter 471, Article 8, Section 44 and Chapters 438, 444, 446, 448, 450, 452, 454, 457, 458, 460 and 461 of the Minneapolis Code of Ordinances to consider the proposed special services, the proposed service charges and the proposed lists of service charges as more particularly described in Petn No 273147 on file in the office of the City Clerk and to consider all written and oral objections and statements regarding this matter;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proposed special services, the proposed cost estimate in the total amount of \$163,562 for 2009 and the proposed service charges and the proposed list of service charges for 2009 in the total amount of \$216,202 (amount remaining after adjusting the cost estimate of \$163,562 for previous years' unexpended balances and additional costs as provided for in Section 438.70 of the Minneapolis Code

of Ordinances) as prepared by the City Engineer and on file in the office of the City Clerk be and hereby are approved for the Uptown Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$74,000 for 2009 and the proposed service charges and the proposed list of service charges for 2009 in the total amount of \$91,417 (amount remaining after adjusting the cost estimate of \$74,000 for previous years' unexpended balances and additional costs as provided for in Section 444.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the office of the City Clerk be and hereby are approved for the Dinkytown Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$89,492 for 2009 and the proposed service charges and the proposed list of service charges for 2009 in the total amount of \$98,600 (amount remaining after adjusting the cost estimate of \$89,492 for previous years' unexpended balances and additional costs as provided for in Section 446.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the office of the City Clerk be and hereby are approved for the Central Avenue Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$92,000 for 2009 and the proposed service charges and the proposed list of service charges for 2009 in the total amount of \$64,693 (amount remaining after adjusting the cost estimate of \$92,000 for previous years' unexpended balances and additional costs as provided for in Section 448.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the office of the City Clerk be and hereby are approved for the Nicollet Avenue South Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$78,500 for 2009 and the proposed service charges and the proposed list of service charges for 2009 in the total amount of \$64,466 (amount remaining after adjusting the cost estimate of \$78,500 for previous years' unexpended balances and additional costs as provided for in Section 450.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the office of the City Clerk be and hereby are approved for the Stadium Village Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$99,607 for 2009 and the proposed service charges and the proposed list of service charges for 2009 in the total amount of \$88,503 (amount remaining after adjusting the cost estimate of \$99,607 for previous years' unexpended balances and additional costs as provided for in Section 454.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the office of the City Clerk be and hereby are approved for the South Hennepin Avenue Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$15,800 for 2009 and the proposed service charges and the proposed list of service charges for 2009 in the total amount of \$8,924 (amount remaining after adjusting the cost estimate of \$15,800 for previous years' unexpended balances and additional costs as provided for in Section 457.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the office of the City Clerk be and hereby are approved for the 48th Street East and Chicago Avenue South Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$9,000 for 2009 and the proposed service charges and the proposed list of service charges for 2009 in the total amount of \$17,988 (amount remaining after adjusting the cost estimate of \$9,000 for previous years' unexpended balances and additional costs as provided for in Section 452.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the office of the City Clerk be and hereby are approved for the 43rd Street West and Upton Avenue South Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$71,000 for 2009 and the proposed service charges and the proposed list of service charges for 2009 in the total amount of \$124,426 (amount remaining after adjusting the cost estimate of \$71,000 for previous years' unexpended balances and additional costs as provided for in Section 458.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the office of the City Clerk be and hereby are approved for the Hennepin Theatre District Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$21,488 for 2009 and the proposed service charges and the proposed list of service charges

for 2009 in the total amount of \$21,488 (being a newly implemented special service district with services revenues beginning in 2008 as provided for in Section 461.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the office of the City Clerk be and hereby are approved for the Chicago-Lake Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$34,000 for 2009 and the proposed service charges and the proposed list of service charges for 2009 in the total amount of \$34,000 (being a newly implemented special service district with services revenues beginning in 2008 as provided for in Section 460.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the office of the City Clerk be and hereby are approved for the Bloomington-Lake Special Service District.

Be It Further Resolved that the City Engineer is hereby directed to proceed with the work.

Be It Further Resolved that the service charges be collected in one (1) installment on the 2009 real estate tax statements in the same manner as special assessments without interest charges and that the City Clerk is hereby directed to transmit certified copies of said lists of service charges to the Hennepin County Auditor.

Adopted 11/21/2008.

Approved by Mayor Rybak 11/21/2008.

T&PW - Your Committee recommends that the proper City officers be authorized to issue a Request for Sale (RFS) to seek proposals for the purchase of the Hot-Mix Asphalt Plant located on the site of the Hiawatha Maintenance Facility (1901 26th St E), notwithstanding the provisions set forth in Section 18.160 of the Minneapolis Code of Ordinances. Proceeds from the sale will be applied to the Hiawatha Maintenance Project (CPSD0208100).

Adopted 11/21/2008.

T&PW - Your Committee recommends that the proper City officers be authorized to enter into a Joint Use Agreement with the Metropolitan Council allowing the Department of Public Works to modify and jointly use an existing tunnel access shaft within the right-of-way on Portland and Washington Avenues South as part of a planned capital improvement project and granting permanent access for the operation and maintenance of the tunnel. The Metropolitan Council will continue to own the access shaft and provide for its long-term replacement/rehabilitation. No additional appropriation required.

Adopted 11/21/2008.

T&PW - Your Committee recommends approval of Part II of the Source Water Protection Plan: *Potential Contaminant Source Inventory and Management Strategy*, as set forth in Petn No 273147 on file in the office of the City Clerk.

Your Committee further recommends that staff thoroughly brief the Intergovernmental Relations (IGR) Department regarding Part II of the Source Water Protection Plan and keep the IGR Department informed of further activities regarding the plan.

Adopted 11/21/2008.

The TRANSPORTATION & PUBLIC WORKS and WAYS & MEANS/BUDGET Committees submitted the following reports:

T&PW & W&M/Budget - Your Committee, having under consideration the contract for the collection of garbage, recyclables, problem materials, and seasonal yard waste for one-half of the City's dwelling units, with staff recommendations as follows:

a) Adoption of revised alternative Findings of Fact relating to the Request for Proposals process, as set forth in Petn No 273148 on file in the office of the City Clerk;

b) That the proper City officers be authorized to execute a contract with Minneapolis Refuse, Inc. (MRI) for the collection of garbage, recyclables, problem materials, and seasonal yard waste by December 1, 2008; and

c) That if on or before December 1, 2008, MRI claims that a labor organization is placing conditions that are "arbitrary and capricious" to achieve a no-strike pledge, the matter shall be referred to an Administrative Law Judge of the Office of Administrative Hearings for recommended findings by the City Council;

now recommends:

T&PW - Approval.

W&M/Budget - Approval, and adoption of amended revised alternative Findings of Fact, dated November 13, 2008.

Colvin Roy moved to amend the report to approve the Ways & Means/Budget Committee recommendation and to delete the Transportation & Public Works Committee recommendation. Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 11/21/2008.

T&PW & W&M/Budget - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7033 from Columbia Building Services, for an estimated expenditure of \$59,700, to furnish and deliver all labor, materials, equipment, and incidentals necessary to provide sidewalk snow removal and maintenance during the period of approximately November 1, 2008 through April 30, 2009.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said service, all in accordance with City specifications and contingent upon approval of the Civil Rights Department.

Adopted 11/21/2008.

The WAYS & MEANS/BUDGET Committee submitted the following reports:

W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a three (3) year contract with Thomson Reuters for online legal research services. No additional appropriation required.

Adopted 11/21/2008.

W&M/Budget - Your Committee recommends that the City Attorney's office be authorized to enter into a Memorandum of Understanding with Midwest Entertainment Group, LLC, the Minnesota Timberwolves Basketball Limited Partnership, LLC and the City of Minneapolis, concerning the Settlement Agreement with the U.S. Attorney's Office regarding the Americans with Disability Act (ADA) compliance review of the Target Center.

Further, authorize the City Attorney's Office to execute any documents necessary for the Memorandum of Understanding.

Adopted 11/21/2008.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to amend the current contract with Restorative Justice Community Action, Inc. (Contract #025338) to increase the amount of the contract by \$4,042 on the same term and condition stated in the contract; and to extend the performance period from January 1, 2009 to January 31, 2009.

Adopted 11/21/2008.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to amend the current contract with Powderhorn Park Neighborhood Association (Contract #025386) to increase the amount of the contract by \$2,208 on the same term and condition stated in the contract; and to extend the performance period from January 1, 2009 to January 31, 2009.

Adopted 11/21/2008.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to amend the Unisys managed services contract C-25200 by \$84,955 for an increase in scope to provide laptops to the Mobile Housing Inspectors.

Your Committee further recommends passage of the accompanying resolution increasing the appropriation to the Business Information Services Fund by \$84,955.

Adopted 11/21/2008.

RESOLUTION 2008R-529

By Ostrow

Amending The 2008 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the amount in the Info Tech - Internal Service Fund (06400-8800310-880F6757) by \$84,955 and increasing the revenue appropriation (06400-8800310-3455) by \$84,955.

Adopted 11/21/2008.

W&M/Budget - Your Committee recommends that the 2008 Special Tax Assessments for Delinquent Utility Charges be approved, as indicated in the assessment roll adopted as part of this action and set forth in Petn No 273153 on file in the Office of the City Clerk.

Adopted 11/21/2008.

Approved by Mayor Rybak 11/21/2008.

(Published 11/25/2008)

W&M/Budget - Your Committee recommends authorizing proper City officers to issue a Request for Proposals (RFP) for the Actuarial Services Consultant Panel to calculate pension expense and perform actuarial analysis.

Adopted 11/21/2008.

Approved by Mayor Rybak 11/21/2008.

(Published 11/25/2008)

W&M/Budget - Your Committee recommends that the proper City officers be authorized to apply for a five (5) year grant of up to \$4,625,000 from the U.S. Department of Health and Human Services for a project period of June 1, 2009 through May 31, 2014 for funding to continue the Twin Cities Healthy Start initiative to reduce infant mortality in Minneapolis and St. Paul.

Adopted 11/21/2008.

W&M/Budget - Your Committee, having under consideration the City of Minneapolis Minneflex Plan and Health Reimbursement Arrangement Plan, now recommends amending said plans as follows:

a) The City of Minneapolis Minneflex Plan to allow the use of debit cards for the payment of eligible expenses under the Minneflex Medical Reimbursement Plan; and

b) The City of Minneapolis Health Reimbursement Arrangement Plan to allow employees, on a plan year basis, to suspend participation in the plan for themselves or for eligible dependents.

Adopted 11/21/2008.

W&M/Budget - Your Committee, having under consideration grant award monies for Healthy Homes and Lead Hazard Control from US Housing and Urban Development (HUD), now recommends that the proper City officers be authorized as follows:

a) To accept \$3,000,000 to provide lead hazard reductions in the Phillips, Central and Powderhorn Park neighborhoods, and \$599,834 to conduct research on methods to reduce lead dust from floors throughout Minneapolis;

b) Passage of the accompanying resolution appropriating \$3,599,834 to the Regulatory Services Department; and

c) Approve four (4) grant funded FTE positions: Two (2) Code Compliance Officer 2; One (1) Program Assistant; and One (1) Administrative Analyst 2.
Adopted 11/21/2008.

RESOLUTION 2008R-530

By Ostrow

Amending The 2008 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Department of Regulatory Services in the Grants - Federal Fund (01300-8350300) by \$3,599,834 and increasing the Revenue Source (01300-8350300-3210) by \$3,599,834.

Adopted 11/21/2008.

W&M/Budget - Your Committee recommends passage of the accompanying resolutions approving terms of the following collective bargaining agreements:

a) Minneapolis Building and Construction Trades Council, Inspectors Unit, effective January 1, 2008 through December 31, 2010;

b) Teamsters, Local #320, 911 Supervisors Unit, effective July 1, 2007 through December 31, 2009;

c) Plumbers, Local 15, Water Works Maintenance Unit, effective January 1, 2008 through December 31, 2010;

d) International Brotherhood of Electrical Workers, Local 292, Electrical Technicians Unit, effective January 1, 2007 through December 31, 2008; and

e) Wage re-opener with the International Alliance of Theatrical Stage Employees, Local 13, Stage Hands Unit, effective January 1, 2008.

Adopted 11/21/2008.

Resolution 2008R-531, approving a 36-month labor agreement with Minneapolis Building and Construction Trades Council, Inspectors Unit, was adopted 11/21/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-531

By Ostrow

Approving the terms of a collective bargaining agreement with the Minneapolis Building and Construction Trades Council, Inspectors Unit and authorizing execution and implementation of said agreement.

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the collective bargaining agreement between the City of Minneapolis and the Minneapolis Building and Construction Trades Council, Inspectors Unit (Petn No 273155), be approved.

Be It Further Resolved that the proper City officers be authorized to prepare and execute said collective bargaining agreement consistent with the terms of the executive summary and that the Human Resources Director be authorized to implement the terms and conditions of the collective bargaining agreement upon its execution.

Adopted 11/21/2008.

Resolution 2008R-532, approving a 30-month labor agreement with the Teamsters, Local 320, 911 Supervisors Unit, was adopted 11/21/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

NOVEMBER 21, 2008

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-532

By Ostrow

Approving the terms of a collective bargaining agreement with the Teamster, Local 320, 911 Supervisors Unit and authorizing execution and implementation of said agreement.

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the collective bargaining agreement between the City of Minneapolis and the Teamster, Local 320, 911 Supervisors Unit (Petn No 273155), be approved.

Be It Further Resolved that the proper City officers be authorized to prepare and execute said collective bargaining agreement consistent with the terms of the executive summary and that the Human Resources Director be authorized to implement the terms and conditions of the collective bargaining agreement upon its execution.

Adopted 11/21/2008.

Resolution 2008R-533, approving a 36-month labor agreement with the Plumbers, Local 15, Water Works Maintenance Unit, was adopted 11/21/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008-533

By Ostrow

Approving the terms of a collective bargaining agreement with the Plumbers, Local 15, Water Works Maintenance Unit and authorizing execution and implementation of said agreement.

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the collective bargaining agreement between the City of Minneapolis and the Plumbers, Local 15, Water Works Maintenance Unit (Petn No 273155), be approved.

Be It Further Resolved that the proper City officers be authorized to prepare and execute said collective bargaining agreement consistent with the terms of the executive summary and that the Human Resources Director be authorized to implement the terms and conditions of the collective bargaining agreement upon its execution.

Adopted 11/21/2008.

Resolution 2008R-534, approving a 24-month labor agreement with the International Brotherhood of Electrical Workers, Local 292, Electrical Technicians Unit, was adopted 11/21/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-534

By Ostrow

Approving the terms of a collective bargaining agreement with the International Brotherhood of Electrical Workers, Local 292, Electrical Technicians Unit and authorizing execution and implementation of said agreement.

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the collective bargaining agreement between the City of Minneapolis and the International Brotherhood of Electrical Workers, Local 292, Electrical Technicians Unit (Petr No 273155), be approved.

Be It Further Resolved that the proper City officers be authorized to prepare and execute said collective bargaining agreement consistent with the terms of the executive summary and that the Human Resources Director be authorized to implement the terms and conditions of the collective bargaining agreement upon its execution.

Adopted 11/21/2008.

Resolution 2008R-535, approving the wage re-opener labor agreement with the International Alliance of Theatrical Stage Employees, Local 13, Stage Hands Unit, was adopted 11/21/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-535

By Ostrow

Approving the wage re-opener labor agreement with the International Alliance of Theatrical Stage Employees, Local 13, Stage Hands Unit and authorizing execution and implementation of said agreement.

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the wage re-opener agreement between the City of Minneapolis and the International Alliance of Theatrical Stage Employees, Local 13, Stage Hands Unit, as set forth in Petr No 273155, be approved.

Be It Further Resolved that the Human Resources Director be authorized to implement the terms and conditions of the re-opener agreement upon its execution.

Adopted 11/21/2008.

The ZONING & PLANNING Committee submitted the following reports:

Z&P - Your Committee, having under consideration the appeal filed by Jeanine Johnson, of Meyers & Njus, P.A. on behalf of St. Paul Development Corporation, from the decision of the Heritage Preservation Commission denying an application for the Demolition of a Historic Resource at 1900 Colfax Avenue South, now recommends that the appeal be denied.

Your Committee also recommends adoption of the findings prepared by Heritage Preservation staff, and the supplemented Findings prepared by the City Attorney and on file in the office of the City Clerk made a part of this report by reference.

Your Committee further recommends issuance of the following staff directions:

- 1) Direct CPED-Planning staff to commence a designation study of the property as an individual Minneapolis historic property;
- 2) Direct CPED-Planning staff to look at work that might be needed for a designation of the Groveland Heritage District;
- 3) Direct the Inspections Department to visit the property to determine if there are any housing or building violations and require the owner to keep this building in compliance in this interim period; and
- 4) Direct CPED-Planning staff to examine whether a rezoning study is warranted in order to examine the appropriateness of the R4 zoning for this site and the zoning of the surrounding area.

Adopted 11/21/2008.

Z&P - Your Committee, having under consideration the appeal filed by Sean Souder of SDDI Sign Systems from the decision of the Board of Adjustment which denied his application of for a variance to increase the height from grade of a wall sign from 24 feet to 30 feet, and approved an amended variance to increase the total size allocation for signs for signs from 247 square feet to 277 square feet along Washington Avenue Southeast, at 720 Washington Avenue Southeast, now recommends that said appeal be denied and the decision of the Board of Adjustment be upheld, and that the findings prepared by the Department of Community Planning & Economic Development staff be adopted.

Adopted 11/21/2008.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Gallop Solutions, Inc. (BZZ-4095) to rezone the property at 2732 Bloomington Avenue from R2B to the R4 Multiple Family District to permit three dwelling units in the existing multiple family dwelling and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 11/21/2008.

Ordinance 2008-Or-092 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 2732 Bloomington Avenue from R2B to the R4 District, was adopted 11/21/2008 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2008-Or-092
By Schiff
1st & 2nd Readings: 11/21/2008

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

That part of the S 38 FT OF LOT 2 AND N 2 FT OF LOT 3, Wright's Addition of Minneapolis, Hennepin County, Minnesota. (2732 Bloomington Avenue - Plate 26) to the R4 District.

Adopted 11/21/2008.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in denying the petition of The Main Group (BZZ-4206) to rezone the property at 2440 Oakland Avenue from R4 to the C1 Neighborhood Commercial District to permit conversion of a duplex to a restaurant/literary café and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Adopted 11/21/2008. Yeas, 12; Nays, 1 as follows:

Yeas - Hodges, Samuels, Gordon, Hofstede, Ostrow, Schiff, Colvin Roy, Glidden, Remington, Benson, Goodman, Johnson.

Nays - Lilligren.

RESOLUTIONS

Resolution 2008R-536, honoring Majdi Wadi, a Minneapolis business owner and recipient of the Thomas Carvel Immigrant Entrepreneur Award in Washington D.C. on November 18 as the National Immigrant Business of the Year, was adopted 11/21/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-536

**By Ostrow, Gordon, Hofstede, Johnson, Samuels, Lilligren, Goodman,
Glidden, Schiff, Remington, Benson, Colvin Roy, Hodges**

Honoring Majdi Wadi, a Minneapolis business owner and recipient of the Thomas Carvel Immigrant Entrepreneur Award in Washington D.C. on November 18 as the National Immigrant Business of the Year.

Whereas, in 1987, Majdi Wadi, a native Palestinian and co-founder of the Holy Land Middle Eastern Deli & Bakery, opened a small storefront on Central Avenue in Northeast Minneapolis, selling pita bread, his mother's homemade hummus, and Middle Eastern foods; and

Whereas, since 1987, Majdi has expanded his business to include a restaurant, grocery store, catering service, and hummus factory on the south half of the 2500 block of Central Avenue NE; a wholesale bakery on the 1600 block of Central Avenue NE; a deli in the Global Midtown Market on East Lake Street; and distribution of his products to Cub Food stores in four states and to international markets in Malaysia and other Southeast Asian countries; and

Whereas, Majdi has collaborated with neighborhoods, development organizations, and community groups to help devise the Central Avenue Small Area Plan, to implement plans for lighting and parking lots that comply with Crime Prevention through Environmental Design principles, and to develop a multi-housing/retail project on a major corridor; and

Whereas, Majdi has received many awards in recognition of his civic contributions, including the Innovative Small Business of the Year award (2007) and the Business of the Year (2002) from the Northeast Minneapolis Chamber of Commerce; Partnership Award from the Community Involvement program (2004); "Holy Land Day" proclamation from Mayor R.T. Rybak (August 21, 2002); Grand Marshal of the Northeast Parade (2003); and recognition from a diverse group of community organizations, including North East Senior Citizen Resource Center, St. John the Baptist Catholic Church, Muslim Youth of Minnesota, American Red Cross, Al-Agsa Institute, Concordia Language Villages of Concordia College, Metropolitan State University, University of Minnesota Extension Service/Minneapolis Multicultural Youth Corps, Al-Amal School, and the Minneapolis Regional Chamber of Commerce; and

Whereas, Majdi was proud to be sworn in as a United States citizen in 2007; and

Whereas, on November 18, 2008, Majdi Wadi was in Washington D.C. to receive the prestigious Thomas Carvel Immigrant Entrepreneur of the Year Award from the Keepers of the American Dream award program, which celebrates the heroes who embody the spirit of immigrant achievement and the American Dream, who contribute significantly to the well-being of immigrants to American, and who enhance our appreciation of immigrants and the immigrant tradition; and

Whereas, Majdi epitomizes the American success story and is a wonderful example of the many contributions that immigrants make to our society; and

Whereas, Majdi has led the transformation of Central Avenue NE and has served as an inspiring example of civic and community service in the Northeast Minneapolis community;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council honors and commends Majdi Wadi for his significant and outstanding contributions to Northeast and to the City of Minneapolis.

Be It Further Resolved that the members of the City Council congratulate Majdi Wadi on his national award and inspiring business achievements.

Adopted 11/21/2008.

Glidden moved that a proposed resolution supporting the Declaration of Principles for an Executive Order on Prisoner Treatment, Torture and Cruelty be referred to the Intergovernmental Relations Committee. Seconded.

Adopted upon a voice vote 11/21/2008.

Declining to vote - Ostrow.

UNFINISHED BUSINESS

Pursuant to notice, Gordon moved to introduce the subject matter of an ordinance amending Title 5, Chapter 91 of the Minneapolis Code of Ordinances relating to Building Code: Permit Fees, for first reading and referral to the Public Safety & Regulatory Services Committee (amending those fees covered by the Director's Fee Schedule). Seconded.

Adopted 11/21/2008.

The **COMMUNITY DEVELOPMENT** Committee submitted the following report:

Comm Dev - Your Committee forwards without recommendation consideration of passage of the accompanying resolution authorizing sale of the City-owned real property at 929 - 3rd Ave NE to Twin Cities Habitat for Humanity, Inc for \$79,650 for development of the Old Third Avenue Townhomes Project, contingent on the developer including additional improvements as outlined as Exhibit "A" in the Department of Community Planning & Economic Development staff report.

Hofstede moved to amend the report by deleting the language, "forwards without recommendation consideration of" and inserting in lieu thereof, "recommends." Seconded.

Adopted by unanimous consent.

Hofstede moved to amend Exhibit "A" referred to in the report by adding language to read as follows: "24) **Security Provisions:** a) Re-Designed Site: Aeon worked with the City of Minneapolis, the Public Housing Authority, and Clare Housing to re-design the site so that it would function better as an amenity for all of the property owners and the proposed town homes. The re-design also configured the site so that it can be more easily monitored by all of the residents that will surround it; b) Greenway Area: The greenway area between Spring Manor, Clare apartments, and the town homes is owned by the MPHA. Clare Housing and the town home site will have a use easement on the greenway area; c) MPHA Security: The roving (walking) MPHA security staff typically covers an average of 32 hours per month, based upon current need, and these roving security staff will also cover the entire greenway area once the town homes are constructed; d) MPHA Security Fluctuation: If and when any additional roving patrols are necessary, the MPHA increases the hours and patrols to ensure that any additional negative behavior or pressure is ended; e) Collaboration: Clare Housing and the town home association will communicate with, and support, the MPHA security staff as necessary to assure that the entire site remains a safe and secure environment for all residents and staff." Seconded.

President Johnson declared Hofstede's motion withdrawn, per her request.

The report, as amended, was adopted 11/21/2008. Yeas, 10; Nays, 3 as follows:

Yeas - Hodges, Samuels, Gordon, Hofstede, Schiff, Lilligren, Glidden, Remington, Benson, Johnson.

Nays - Ostrow, Colvin Roy, Goodman.

Resolution 2008R-537, authorizing sale of land, Third Avenue NE Disposition Parcel No I-335 East at 929 Third Ave NE, was adopted 11/21/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-537

By Benson

Authorizing sale of land, Third Avenue NE Disposition Parcel No I-335 East at 929 Third Avenue NE.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel I-335 East, in the St. Anthony East neighborhood, from Twin Cities Habitat for Humanity, Inc., hereinafter known as the Redeveloper, the Parcel I-335 East, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of I-335 East; 929 Third Avenue NE: Lot 3, Block 1, Clare Estates. Part of which is registered land as is evidenced by Certificate Of Title No. 1153813; and

Whereas, the Redeveloper has offered to pay the sum of \$79,650, for Parcel I-335 East to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in Finance and Commerce on October 17, 2008, a public hearing on the proposed sale was duly held on October 28, 2008, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for uses in accordance with the Third Avenue NE plan, as amended, is hereby estimated to be the sum of \$175,000.00 for Parcel I-335 East; however in accordance public purpose considerations, combined with TCHCH's unique mission to provide housing and post closing services to low income families and the very low foreclosure rate associated with dwellings sold by TCHCH, the City is selling Parcel I-335 East for the sum of \$79,650.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the Redeveloper's proposal as modified by the terms and conditions contained in Exhibit A to the accompanying Request for Committee Action is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 11/21/2008. Yeas, 10; Nays, 3 as follows:

Yeas - Hodges, Samuels, Gordon, Hofstede, Schiff, Lilligren, Glidden, Remington, Benson, Johnson.

Nays - Ostrow, Colvin Roy, Goodman.

NEW BUSINESS

Remington moved to introduce the subject matter of an ordinance amending Title 17, Chapter 451 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks: Newsstands, for first reading and referral to the Public Safety & Regulatory Services and Transportation & Public Works Committees (repealing Chapter 451 relating to Newsstands). Seconded.

Adopted by unanimous consent 11/21/2008.

Remington moved to introduce the subject matter of an ordinance amending Title 17, Chapter 439 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks: Nicollet Mall, for first reading and referral to the Public Safety & Regulatory Services and Transportation & Public Works Committees (amending the list of permitted uses to add Chapter 464 relating to Newsracks). Seconded.

Adopted by unanimous consent 11/21/2008.

Remington moved to introduce the subject matter of an ordinance amending Title 1, Chapter 2 of the Minneapolis Code of Ordinances relating to General Provisions: Administrative Enforcement and Hearing Process, for first reading and referral to the Public Safety & Regulatory Services and Transportation & Public Works Committees (amending the list of persons authorized to issue citations to include the Departments of Regulatory Services and Public Works for newsracks). Seconded.

Adopted by unanimous consent 11/21/2008.

Schiff moved to introduce the subject matter of ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to the Zoning Code, for first reading and referral to the Zoning & Planning Committee (to revise the floor area ratio regulations and minimum residential lot area per dwelling unit regulations in selected zoning districts), as follows:

Amending Chapter 546 related to Zoning Code: Residence Districts;

Amending Chapter 547 related to Zoning Code: Office Residence Districts;

Amending Chapter 548 related to Zoning Code: Commercial Districts; &

Amending Chapter 551 related to Zoning Code: Overlay Districts.

Seconded.

Adopted by unanimous consent 11/21/2008.

Benson moved to introduce the subject matter of an ordinance amending Title 16, Chapter 423 of the Minneapolis Code of Ordinances relating to Planning and Development: Small and Underutilized Business Enterprise Program, for first reading and referral to the Health, Energy & Environment Committee (extending the expiration of Chapter 423 relating to the Small and Underutilized Business Enterprise Program to December 31, 2009). Seconded.

Adopted by unanimous consent 11/21/2008.

Lilligren moved to adjourn to Room 315 City Hall to consider the Khang Family Claim; and *Peace Officers Federation of Minneapolis and Charlie Adams v. City of Minneapolis* lawsuit. Seconded.

Adopted upon a voice vote 11/21/2008.

Room 315 City Hall

Minneapolis, Minnesota

November 21, 2008 - 10:45 a.m.

The Council met pursuant to adjournment.

Council President Johnson in the Chair.

Present - Council Members Hodges, Samuels, Gordon, Hofstede, Ostrow, Schiff, Lilligren, Colvin Roy, Glidden, Remington, Benson, Goodman, President Johnson.

Ginder stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the following:

Khang Family Claim; and *Peace Officers Federation of Minneapolis and Charlie Adams v. City of Minneapolis*.

At 10:46 a.m., Ostrow moved that the meeting be closed. Seconded.
Adopted upon a voice vote.
Absent - Schiff.

Present - Council Members Hodges, Samuels, Gordon, Hofstede (Out at 12:02 p.m.; In at 12:07 p.m.), Ostrow (Out at 11:05 a.m.; In at 11:07 a.m.), Schiff (In at 10:50 a.m.; Out at 12:02 p.m.), Lilligren (Out at 11:23 a.m.; In at 11:27 a.m.; Out at 12:19 p.m.), Colvin Roy, Glidden (Out at 11:20 a.m.; In at 11:22 a.m.; Out at 12:12 p.m.; In at 12:14 p.m.; Out at 12:20 p.m.), Remington (Out at 12:12 p.m.), Benson, Goodman (Out at 12:10 p.m.), President Johnson.

Also Present - Susan Segal, City Attorney; Peter Ginder, Deputy City Attorney (Out at 10:56 a.m.; In at 11:03 a.m.); Caroline Bachun, Assistant City Attorney (Out at 12:20 p.m.; In at 12:22 p.m.); Jim Moore, Assistant City Attorney (In at 10:59 a.m.); Tim Dolan, Chief of Police; Kim Malrick, Aide to Council Member Remington (Out at 12:12 p.m.); R.T. Rybak, Mayor; Tina Smith, Mayor's Office; Steve Ristuben, City Clerk; and Anne Roth, City Clerk's Office.

Bachun summarized the *Peace Officers Federation of Minneapolis and Charlie Adams v. City of Minneapolis* lawsuit from 10:47 a.m. to 11:24 a.m.

Moore summarized the Khang Family claim from 11:25 a.m. to 12:22 p.m.

At 12:22 p.m., Hodges moved that the meeting be opened. Seconded.
Adopted upon a voice vote.
Absent - Schiff, Lilligren, Glidden, Remington, Goodman.

Johnson moved to approve the partial settlement of the case entitled Police Officers' Federation of Minneapolis and Sgt. Charlie Adams v. The City of Minneapolis, The Minneapolis Police Department and Tim Dolan in his capacity as the Chief of the Minneapolis Police Department. Hennepin County District Court File No.: 27-CV-08-3462 in the amount of \$30,000 payable to the Police Officers' Federation of Minneapolis and its attorney, Collins, Buckley, Sauntry & Haugh, P.P.L.P. This settlement is with the Police Officers' Federation of Minneapolis; Sgt. Charlie Adams is not a party to the settlement. Payment shall be from Fund/Org. 06900-145-400. The City Attorney's Office is hereby authorized to execute any documents necessary to effectuate the settlement. Seconded.

Adopted 11/21/2008.

Absent - Schiff, Lilligren, Glidden, Remington, Goodman.

Hodges moved to adjourn to Monday, December 1, 2008, at 5:05 p.m. in the Council Chamber for the purpose of conducting the Truth in Taxation public hearing; and thereafter, adjournment to Thursday, December 11, 2008, at 5:05 p.m. in the Council Chamber for the purpose of continuation of the Truth in Taxation public hearing (if needed) and for adoption of the 2009 budget. Seconded.

Adopted upon a voice vote 11/21/2008.

Absent - Schiff, Lilligren, Glidden, Remington, Goodman.

The adjourned session of the City Council meeting was tape recorded with the tape on file in the office of the City Clerk.

Steven J. Ristuben,
City Clerk.

Unofficial Posting: 11/24/2008
Official Posting: 12/01/2008
Corrections: 12/10/2008; 5/4/2009